

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

E-FILING

FILED

2008 APR -9 P 12:07

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C08 00877 HRL

ACER, INC., ACER AMERICA CORPORATION and
GATEWAY, INC.

ADR

v.

TECHNOLOGY PROPERTIES LIMITED, PATRIOT
SCIENTIFIC CORPORATION and ALLIACENSE
LIMITED

TO: (Name and address of defendant)

Patriot Scientific Corporation
6183 Paseo Del Norte, Suite 180
Carlsbad, CA 92011

YOU ARE HEREBY SUMMONED

and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

William Sloan Coats
Kyle D. Chen
White & Case LLP
3000 El Camino Real, 5 Palo Alto Sq., 9th Fl.
Palo Alto, CA 94306

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

FEB - 8 2008

DATE

Tiffany Salinas-Harwell

(BY) DEPUTY CLERK

WHITE & CASE LLP.
3000 EL CAMINO REAL 5 PALO ALTO SQ. 9TH FLOOR
PALO ALTO, CA 94306
(650) 213-0300

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ACER, INC., ACER AMERICA CORPORATION AND GATEWAY INC.

CASE NUMBER:
C0800877HRL

v.

PROPERTIES LIMITED, PATRIOT SCIENTIFIC CORPORATION AND ALLIANCE LIMITED

PROOF OF SERVICE
SUMMONS AND COMPLAINT

(attach proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☒ other (specify): ADR PACKET

2. Person served:

- a. ☒ Defendant (name:) PATRIOT SCIENTIFIC CORPORATION
b. ☒ Other (specify name and title or relationship to the party/business named):
CLIFF FLOWERS - CHIEF OFFICER
c. ☒ Address where the papers were served: 6183 PASEO DEL NORTE, 180
CARLSBAD, CA 92011

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☒ Federal Rules of Civil Procedure
b. ☐ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☒ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
1. ☒ Papers were served on (date): 04/02/2008 at (time): 04:30 pm
- b. ☐ By Substituted Service. By leaving copies:
1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. ☐ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
3. ☐ Papers were served on (date): at (time):
4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
5. ☐ papers were mailed on (date):
6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of Summons and Complaint).
- d. ☒ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (by first-class mail, postage prepaid) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (Attach a copy of the order to this Proof of Service.)
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:


Title of person served:

Date and time of service: (date): at (time):

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attach signed return receipt or other evidence of actual receipt by the person served).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):

 **Jeff Mayer**
JANNEY AND JANNEY
1545 WILSHIRE BLVD., STE 311
LOS ANGELES, CA 90017
(213) 628-6338

a. Fee for service: \$ **95.00**

b. ☐ Not a registered California process server

c. ☐ Exempt from registration under B&P 22350(b)

d. ☒ Registered California process server
 Registration # : **1911**

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: **April 3, 2008**

Jeff Mayer
 Type or Print Server's Name


 (Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT